

Family Subdivision Ordinance of Lumpkin County

Adopted January 17, 2002, by
Lumpkin County Resolution 2002-02

The governing authority of Lumpkin County recognizes that the transfer of land among relatives is a legitimate need, and, in an effort to aid the citizens of the County, does hereby establish this provision for Family Subdivisions. Anyone who takes advantage of the Family Subdivision provisions contained herein may not further subdivide or submit for subdivision any tract involved or transfer ownership of any tract involved to someone not within the resolution definition of family for a period of two (2) years from the date of approval of said subdivision.

Section One. Definitions.

Family Subdivision: A family subdivision is a subdivision of property where every parcel is being transferred by plat to one or more members of the same family as defined herein, or to the devisees of a probated will.

Family: For the purposes of this section, family is defined as any two people who share a great grand parent or the spouse or children of people who share a great grand parent or a legally adopted family member who would meet the criteria.

Section Two. Approval Process.

1. Approval of a Family Subdivision involving the division of any parcel into not more than 8 tracts or parcels may be done by submitting the information required by this resolution to the Planning Department. If after review the Planning Director, finds the information to be complete and in compliance with this resolution, may approve said subdivision and stamp the plat for recording with the Clerk of Court.

2. Approval of a Family Subdivision involving the division of a parcel into more than 8 parcels may be done by submitting the information required by this resolution to the Planning Department. The Planning Director will review the information and if found to be complete and in compliance with this section place the item on the agenda for consideration by the Planning Commission. The Planning Commission would then make the decision and determine if the division could properly be done as a Family Subdivision or if the applicant must re-apply for land division under the normal subdivision regulations.

Section Three. Information Required.

1. Submittal of a plat, suitable for recording, showing the original parcel (parent tract) with all divisions indicated, including any easements, structures and bodies of water. The Plat must indicate the person who is to receive each tract by including the name of the person on the tract.
2. Submittal of a copy of each proposed deed conveying title to each parcel of land. Each deed must contain the following clause: "The property conveyed hereby is a part of a Family Subdivision and is subject to the Family Subdivision Ordinance of Lumpkin County. By acceptance of this deed, Grantee hereby acknowledges that the property conveyed hereby may not be further divided for a period of two calendar years from the date of this deed. Future sale or development will require compliance with the planning regulations then in effect."
3. Submittal of a properly notarized affidavit that attests that the kinship of all of the persons involved meet the minimum definition of family as defined above. The affidavit must further state that all persons involved are aware that further division, or application for division, of the property will not be permitted for a period of 2 calendar years from the date of approval of the Family Subdivision Plat, and that exercise of the limited exceptions to subdivision regulations may make the property as transferred impossible to sell or develop under the normal and regular subdivision regulations. Use of the provisions herein does not create "grandfather" rights for land use; future sale, transfer or development to non-family entities must comply with then current subdivision and planning regulations. This affidavit must be signed and dated by each person involved in the land transfer.
4. If the property is being conveyed to the devisees under a probated will, a letter from the probate judge indicating the divisions shall also be submitted.

Section Four. General Information.

1. No tract or parcel may be less than one acre exclusive of all easements, right of ways, and bodies of water.
2. All tracts must have frontage on a county or state road or be accessed by an easement of record, not less than 40 feet in width. A copy of the easement must be submitted to the Planning Department along with the proposed plat.
3. All existing structures, easements, rights of way, and bodies of water must be shown on the individual plats.
4. Other information may be requested by the Planning Department or Planning Commission to verify any of the required information.

5. The individual tracts must be configured so that all existing structures meet the setbacks as established within the subdivision regulations in existence at the time of the request for approval of a Family Subdivision.
6. Any further subdivision of the property, after the 2-year restriction, must meet all of the subdivision regulations in existence at the time.

Section Five. Fees.

1. On any division that may be approved by the Planning Director the fee shall be the normal plat fee for each parcel plat plus \$25 for the entire Family Subdivision.
2. On any division that must be approved by the Planning Commission the fee shall be as stated above plus \$100.

The undersigned persons hereby swear and affirm that the relationships listed above are true and correct and that said relationships fall within the definition of family contained in the Family Subdivision Ordinance of Lumpkin County.

Sworn to and subscribed before me
this _____ day of _____, 200__

Notary Public
Commission Expires: _____

Printed Name: _____ (Seal)

Sworn to and subscribed before me
this _____ day of _____, 200__

Notary Public
Commission Expires: _____

Printed Name: _____ (Seal)

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